REMARKS

This responds to the Office Action mailed on March 9, 2007.

Claims 1-48 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35

U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. 5,966,685; hereinafter

Flanagan) in view of Appleby (U.S. 6,463,404; hereinafter Appleby).

Applicant respectfully submits that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38

and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references

when combined do not teach or suggest all of the claim limitations of the independent claims of

the present application, as required for a prima facie case of obviousness.

Claim 1 includes the following limitations:

*communicating a plurality of predetermined language constructs to a first entity as a first
transmission over said network;*

*responsive to receipt of a selection by said first entity of a language construct of said
plurality of predetermined language constructs, identifying a translated language
construct corresponding to said selected language construct, said identifying based on
entity information relating to a second entity and said selected language construct;*

The Office Action alleges that the above limitation is taught or suggested by the

following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention.
Upon logging onto a discussion group, the user may choose his or her language
preference. All translation is performed at the network site so no other actions on the part
of the user are required to take advantage of the present invention. For example, a French
user may log onto a discussion group and access the French version of the system. For
example, FIG. 2 depicts the message structuring of a French version of a parallel
discussion group. The message board section names and messages will be in French.
Each of the messages translated from other language versions may also contain the text in
the original language in addition to the French translation. If the French user posts a

message to the parallel discussion group as shown in FIG. 2, it will be translated to English and German and posted to the English and German versions of the system.

Col. 4, lines 21-37.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

Col. 5, lines 45-52.

The above quotes from Flanagan describe a system that receives posted messages and translates the messages before posting the translated messages to parallel discussion groups of different languages (Abstract). Specifically, the first quote describes a French version of the system. As described above, the system enables the user to log on to a discussion group, select a language preference (e.g., French), and post a message that is translated and posted to the non-selected versions of the discussion group. For example, a French user may post a message that is translated to English and German before being posted to the English and German versions of the discussion groups.

The second quote describes (Col. 5, lines 41-43) three CompuServe discussion groups (e.g., English, French, and German) that respectively correspond to views. A user may see one view at a time (e.g., French view) however all three views (e.g., discussion groups) contain the same message content and configuration.

Claim 1 requires communicating a plurality of predetermined language constructs to a first entity and receipt of a selection of a language construct from the plurality of the predetermined language constructs, the selection used to identify a translated language construct, the identification responsive to receipt of the selection. Merely for example, the plurality of predetermined language constructs communicated to a first entity may include the predetermined language construct, "What is your address?" Continuing with the example, a selection of a language construct (e.g., "What is your address?") may be received and used to identify a translated language construct (e.g., French - "What is your address?"), the identification

responsive to receipt of the selection. In contrast to the above limitations from the claim 1, the

quotes from Flanagan describe a user that chooses a language or posts a message and a system

that translates the message before posting the translated message to discussion groups.

Please consider the illustrated message below:

Fig. 9

Flannigan, Figure 8

The above Figure 8 illustrates a message that includes text that has been input by a user (Col. 2,

line 49). Flanagan further describes messages as posted by a user (Col. 6, lines 31-32).

Accordingly, Flanagan fails to describe the limitations of the claim 1 because Flannigan

describes messages that include text that are input by a user before being translated and posted to

a discussion group. Specifically, Flanagan fails to describe communicating a plurality of

predetermined language constructs to a first entity and receipt of a selection of a language

construct from the plurality of the predetermined language constructs, the selection used to

identify a translated language construct, the identification responsive to receipt of the selection.

Further, the differences between the subject matter recited in claim 1 and the system described by Flanagan are not trivial. Such differences result in real world advantages of the claimed invention. For example, the present application describes the translating found in Flanagan as 1) expensive, 2) utilizing considerable storage capacity, 3) exhibiting imperfect translation; and, 4) producing grammatically incorrect sentences, respective deficiencies identified in the prior art by the present application (Application, paragraphs 2-4).

Flanagan therefore cannot be said to teach or suggest the above quoted limitations of the claim 1 because Flanagan describes a user that chooses a language or inputs text before posting a message and a system that translates the message before posting the translated message to discussion groups. In contrast, the claim 1 requires communicating a plurality of predetermined language constructs to a first entity and receipt of a selection of a language construct from the plurality of the predetermined language constructs, the selection used to identify a translated language construct, the identification responsive to receipt of the selection.

The above remarks are also applicable to a consideration of independent claims 12, 23, and 34.

Appleby describes an apparatus for receiving and translating a document to a target language (Abstract). Accordingly, Appleby also cannot describe the above quoted limitations of the claim 1.

In summary, Flanagan in view of Appleby does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of these independent claims of the present application under 35 U.S.C.§ 103.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/976,301
Filing Date: October 11, 2001
Title: SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK

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Dkt: 2043.053US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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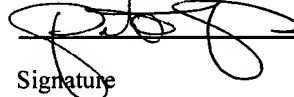408-278-4042

Date ___06/07/2007___ By ___/_____/___

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this __7__ day of June 2007.

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